

NORFOLK, VIRGINIA

ACTION OF THE COUNCIL

TUESDAY, JANUARY 26, 2016 – 7:00 P.M.

President Fraim called the meeting to order at 7:10 p.m.

Prayer offered by Vice Mayor Angelia Williams Graves, followed by the Pledge of Allegiance.

The following members were present: Mrs. Graves, Mrs. Johnson, Mr. Protogyrou, Mr. Riddick, Mr. Smigiel, Dr. Whibley, Mr. Winn and Mr. Fraim.

President Fraim moved to dispense with the reading of the minutes of the previous meeting.

Motion adopted.

Yes: Graves, Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

CERTIFICATION OF CLOSED MEETING

A Resolution entitled, "A Resolution certifying a closed meeting of the Council of the City of Norfolk in accordance with the provisions of the Virginia Freedom of Information Act," was introduced in writing and read by its title.

ACTION: The Resolution as introduced was **adopted**, effective January 26, 2016.

Yes: Graves, Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

PUBLIC HEARINGS

PH-1

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, on the application of **Jon Rizzo**, for a change of zoning from R-8 (Single-Family) District to Conditional R-9 (Single-Family) District at **1345 Melrose Parkway**.

Jon Rizzo, 6239 Powattan Avenue, the applicant, spoke in favor of this matter.

Thereupon, an Ordinance entitled, “An Ordinance to rezone property located at **1345 Melrose Parkway** from R-8 (Single-Family Residential) to Conditional R-9 (Single-Family Residential) District,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced LOST.

Yes: None.

No: Graves, Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Frain.

PH-2

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, on the application of **D.T. Builders, LLC**, for a change of zoning from R-8 (Single-Family) District to Conditional R-9 (Single-Family) District on property located at **1510 Colon Avenue**.

The following people spoke in favor of this matter: Pauline Wilson, 1520 Colon Avenue, Laushaun Robinson, the applicant, 1617 Canola Street, Shawana Revell, 1100 Berkley Avenue Extension, James Allen, the applicant’s realtor, 1121 Campostella Road and Roscoe Callaway, 1121 Campostella Road.

Janice McKee, President of Campostella Civic League, 903 Hatton Street, spoke in opposition to the matter by unanimous vote from the Campostella Civic League.

Thereupon, an Ordinance entitled, “An Ordinance to rezone property located at **1510 Colon Avenue** from R-8 (Single-Family Residential) to Conditional R-9 (Single-Family Residential) District,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced LOST.

Yes: None.

No: Graves, Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Frain.

PH-3

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, on the application of the **City Planning Commission**, for amendments to **Chapter 3, Goal 5** within *planNorfolk2030*, to add and modify actions to support community-led redevelopment efforts in four ‘**emerging districts**’ in the city, including the **Chelsea Business District, the Downtown Arts District, Park Place, and Greater Norview/Five Points**.

Thereupon, an Ordinance entitled, “An Ordinance to amend the City’s General Plan, *planNorfolk2030*, **SO AS TO** adopt goals and actions to support redevelopment in four emerging district within the city,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective January 26, 2016.

Yes: Graves, Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

PH-4

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, on the application of the City Planning Commission, to modify Appendix B in the **Table of Contents** within *planNorfolk2030* to add the **Complete Streets Policy** and to modify several actions in the Transportation Chapter pertaining to complete streets.

Greg Reck, 219 Granby Street, Unit 30, was present to answer questions.

Thereupon, an Ordinance entitled, “An Ordinance to amend the City’s General Plan, *planNorfolk2030*, **SO AS TO** adopt a “**Complete Street Policy**” and to modify actions to support the policy,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective January 26, 2016.

Yes: Graves, Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

PH-5

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, to hear comments on the conveyance to **Norfolk Redevelopment and Housing Authority** of those certain parcels of property described as **Lots 4, 5, 6, 17, 18, 19, 20 and 21 in Block 2**, as shown on that certain plat entitled, **“Plan Showing the Property of Ocean View Cottage Co.”**

Thereupon, an Ordinance entitled, “An Ordinance authorizing the conveyance to **Norfolk Redevelopment and Housing Authority** of those certain parcels of property described as a portion of **Lot 3, and Lots 4, 5, 6, 17, 18, 19, 20 and 21, in Block 2**, as shown on that certain plat entitled, **“Plan Showing The Property Of Ocean View Cottage Co.,”** was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective February 26, 2016.

Yes: Graves, Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Frain.

No: None.

PH-6

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, to hear comments on the conveyance to **Balance Builders, Inc.** of a certain parcel of property located at **1444 & 1446 W. 37th Street**.

Thereupon, an Ordinance entitled, “An Ordinance authorizing the conveyance to **Balance Builders, Inc.** of a certain parcel of property located at **1444 & 1446 W. 37th Street** for the total sum of \$18,000.00 in accordance with the terms and conditions of the purchase and sale agreement,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective February 26, 2016.

Yes: Graves, Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Frain.

No: None.

REGULAR AGENDA

R-1

Matter of a letter from the City Manager and an Ordinance entitled, “An Ordinance to amend and reordain **Chapter 5, Article II** of the **Norfolk City Code, 1979**, is hereby amended and reordained **SO AS TO** remove the mandatory minimum seating requirements and the prohibition of minors whenever alcoholic beverages are served or sold at public dance halls,” was introduced in writing and read by its title.

(Passed by at the January 12, 2016 meeting)

Richard Levine, 610 Pembroke Avenue, Tracy Holland 2200 Colonial Avenue and Tanya Fiske, 2200 Colonial Avenue, spoke in favor of this matter.

ACTION: The Ordinance as introduced was **adopted**, effective January 26, 2016.

Yes: Graves, Johnson, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: Riddick.

R-2

Letter from the City Manager and an Ordinance entitled, “An Ordinance approving an **Encroachment Agreement** with **EDR Enterprises, Inc.**, dba **Pimento Island Bistro**, for property located at **1902 Colley Avenue**,” was introduced in writing and read by its title.

ACTION: Continued to February 9, 2016.

Yes: Graves, Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

R-3

Letter from the City Manager and an Ordinance entitled, “An Ordinance permitting **Poseidon Properties, LLC** to encroach into the right-of-way of **9th View Street** at **902 W. Ocean View Avenue** with a covered wooden patio, swing set, wooden walkway with bollards, staircase, water foundation with **PVC** piping, low voltage electrical lighting and a concrete driveway,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective January 26, 2016.

Yes: Graves, Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

R-4

Letter from the City Manager and an Ordinance entitled, “An Ordinance permitting **Thalassa, LLC** to encroach into the right-of-way of **9th View Street** at **900 W. Ocean View Avenue** with a driveway,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective January 26, 2016.

Yes: Graves, Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

R-5

Letter from the City Manager and an Ordinance entitled, “An Ordinance permitting **207 Granby, LLC** to encroach into the right-of-way known as **McCulloughs Lane**, along the western boundary line of **Lots 211 and 213 Granby Street** with an exhaust duct, roof drains, electric cables and boxes and doors,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective January 26, 2016.

Yes: Graves, Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

R-6

Letter from the City Manager and an Ordinance entitled, “An Ordinance permitting **Barry J. Knapp** and **Lori A Givonetti** to encroach into the right-of way at **9721 Dolphin Run** with **PVC** irrigation piping,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective January 26, 2016.

Yes: Graves, Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

R-7

Letter from the City Manager and an Ordinance entitled, “An Ordinance accepting the gift of certain lots located in the **Estabrook Section** of the **City of Norfolk** that were devised to the **City of Norfolk** by **Albert H. Garrison**, deceased,” was be introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective January 26, 2016.

Yes: Graves, Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

R-8

Letter from the City Manager and an Ordinance entitled, “An Ordinance accepting a grant in the sum of \$352,000.00 from the **Virginia Department of Transportation, Transportation Alternatives Program Fund**, for the **Elizabeth River Trail Phase IVC/V**; and appropriating and authorizing the expenditure of the sum of \$352,000.00 for the **Elizabeth River Trail, Phase IVC/V**, when and if the grant funds are received,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective January 26, 2016.

Yes: Graves, Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

R-9

Letter from the City Manager and a Resolution entitled, “A Resolution in support of a **Rail Enhancement Fund Application** for the **Commonwealth Railway Rail Expansion Project**,” was introduced in writing and read by its title.

ACTION: The Resolution as introduced was **adopted**, effective January 26, 2016.

Yes: Graves, Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

R-10

Letter from the City Manager and a Resolution entitled, “A Resolution to designate the area to east of **St. Paul’s Boulevard**, to the south of **East Princess Anne Road**, **Goff Street**, and **Saint Julian Avenue**, to the west of **Roberts Road** and **Park Avenue** and to the north **Holt Street** and the southernmost portion of **Tidewater Drive** in the City of Norfolk as the **Greater St. Paul’s Revitalization Area**,” was introduced in writing and read by its title.

ACTION: Continued to February 9, 2016.

Yes: Graves, Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

R-11

A Resolution entitled, “A Resolution appointing 2 persons to one Board and one Authority for certain terms,” was introduced in writing and read by its title.

ACTION: The Resolution as introduced was **adopted**, effective January 26, 2016.

Yes: Graves, Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

NEW BUSINESS

Tom Luckman, 3192 Gallahad Drive, Virginia Beach, spoke in favor of retirees receiving a cost of living adjustment and asked that the council please consider that in the next fiscal year budget discussions.

John W. Hill, 2906 Mapleton Avenue, asked for an audit of the Treasurer’s office and for a recall of the City Treasurer in light of the recent allegations.

Charles Brewer, 222 Beck Street, echoed the topic of a COLA for the retirees and asked that the council make an official statement regarding the Treasurer stepping aside from his position while the alleged indictments were pursued.

Danny Lee Ginn, 3844 Dare Circle, commented on good government.